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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,662	02/20/2002	Michael J. Bader	10256A	7670

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EXAMINER

CHEN, VIVIAN

ART UNIT PAPER NUMBER

1773

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/079,662

Applicant(s)

BADER, MICHAEL J.

Examiner

Vivian Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-29 is/are pending in the application.
- 4a) Of the above claim(s) 22-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-21 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claim 10 has been cancelled by Applicant.

Election/Restrictions

1. Applicant's arguments regarding claim 29 is deemed persuasive. Claim 29 has been included into elected Group I, which now constitutes claims 1-21, 29. Non-elected Group II now constitutes claims 22-28.

2. Applicant's election with traverse of Group I (claims 1-21, 29) in the response filed 1/5/2004 is acknowledged. The traversal is on the ground(s) that Group II would necessarily include the same prior art searched for Group I. This is not found persuasive because Group II recites various features not required by the claims in Group I, and thereby constitutes an undue burden.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 22-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper filed 1/4/2004.

Claim Rejections - 35 USC § 103

4. Claims 1-2, 4-9, 11, 13-15, 20, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over:

(a) DRIES ET AL (US 6,558,808);

(b) SCHRECK ET AL (US 5,716,698).

DRIES ET AL '808 discloses a sealable multilayer polyolefin film comprising a core layer comprising polypropylene and 1-30 wt% hydrocarbon resin (e.g., cyclopentadiene), and a sealable layer comprising a copolymer of ethylene/propylene copolymer, wherein the film has a typical overall thickness of 5-200 microns, the sealable layer has a typical thickness of 0.1-10 microns, with the base layer making up the remainder of the overall thickness. The film is typically first oriented in the machine direction (thereby producing a uniaxially oriented film), followed by orientation in the transverse direction (thereby producing a biaxially oriented film). The film is capable of a typical MST of 90 C or less. (lines 1-25, col. 4; line 39-62, col. 5; line 53, col. 8 to line 15, col. 9; line 27, col. 9 to line 15, col. 10; line 1-16, col. 11; line 5-25, col. 12)

SCHRECK ET AL '698 discloses a sealable multilayer polyolefin film comprising a core layer comprising polypropylene and 1-30 wt% hydrocarbon resin (e.g., cyclopentadiene), and a sealable layer comprising a copolymer of ethylene/propylene copolymer, wherein the film has a typical overall thickness of 5-200 microns, the sealable layer has a typical thickness of 0.1-10 microns, with the base layer making up at least 50% of the overall thickness. The film is typically first oriented in the machine direction (thereby producing a uniaxially oriented film), followed by orientation in the transverse direction (thereby producing a biaxially oriented film).

(line 13-32, col. 3; line 17, col. 5 to line 50, col. 6; line 6-47, col. 7; line 59, col. 7 to line 48, col. 8; line 62-67, col. 10; line 15-19, col. 11)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to adjust the composition of the sealable layer of the film of DRIES ET AL '808 or SCHRECK ET AL '698 in order to optimize the sealing characteristics (claim 29) for specific applications. It also would have been obvious to use the disclosed film in conventional packaging methods and articles (claim 15).

5. Claims 3, 12, 16-19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over:

(a) DRIES ET AL (US 6,558,808);

(b) SCHRECK ET AL (US 5,716,698);

as applied to claims 1, 20 above,

and further in view of KEMP-PRATCHETT ET AL (US 5,527,608).

KEMP-PATCHETT ET AL discloses that it is well known in the art to laminate sealable multilayer polypropylene/copolymer films to metallized polyethylene film layers such as HDPE with typical thicknesses of 20-40 gauge in order to improve the mechanical and barrier properties of the resultant packaging material. (lines 40-48, col. 7)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the films of DRIES ET AL '808 or SCHRECK ET AL '698 with additional conventional functional packaging film layers such as metallized polyethylene films as disclosed in KEMP-PATCHETT ET AL in order to enhance mechanical properties, barrier characteristics, and/or durability. It would have been obvious for one of ordinary skill in the art

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to utilize other known polyethylene resins such as MDPE (claim 18) as the additional film layer depending on the specific thermal and mechanical properties desired for a particular end use.

One of ordinary skill in the art would have applied additional known functional polymeric coatings (claim 19) to order to improve visual appearance, durability, and/or sealing properties.

Response to Arguments

6. Applicant's arguments filed 1/5/2004 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

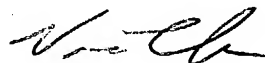
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivian Chen whose telephone number is (571) 272-1506. The examiner can normally be reached on Monday through Thursday from 8:30 AM to 6 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones, can be reached on (571) 272-1535. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

The General Information telephone number for Technology Center 1700 is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 23, 2004



Vivian Chen
Primary Examiner
Art Unit 1773